

# HOUSE . . . . . No. 1358

By Mr. Sánchez of Boston, petition of Anne M. Gobi and others relative to the Brownfields Redevelopment Fund. Environment, Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

### PETITION OF:

Anne M. Gobi	Douglas W. Petersen
Brian Knuuttila	Gloria L. Fox
James B. Leary	Shirley Owens-Hicks
David B. Sullivan	Jennifer M. Callahan
Elizabeth A. Malia	Michael E. Festa
John J. Binienda	Gale D. Candaras
Ellen Story	Peter J. Larkin
Frank I. Smizik	Kathleen M. Teahan
J. James Marzilli, Jr.	John W. Scibak
Carl M. Sciortino, Jr.	Susan C. Fargo
Steven M. Walsh	Cory Atkins
Joyce A. Spiliotis	Stephen Kulik
Alice K. Wolf	Mary E. Grant

In the Year Two Thousand and Five.

### AN ACT TO ENSURE ENVIRONMENTAL CLEANUP AND PROMOTE THE REDEVELOPMENT OF BROWNFIELDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

#### 1 SECTION 1.

##### ECONOMIC DEVELOPMENT.

7007-0210	For the purpose of the Brownfields redevelopment fund established pursuant to section 29A of chapter 23G of the general laws; provided, that not less than \$2,000,000 of the amount appropriated herein shall be expended for grants to eligible applicants.....	30,000,000
	Brownfields Redevelopment Fund.....	100.0%

1       SECTION 2. The comptroller is hereby authorized and  
2 directed to transfer \$30,000,000 from the General Fund to the  
3 Brownfields Redevelopment Fund established pursuant to section  
4 29A of chapter 23G of the General Laws.

1       SECTION 3. Section 6 of chapter 62 of the General Laws, as  
2 appearing, is hereby amended by striking out subsection j(1) and  
3 inserting:—

4       (j)(1) A taxpayer who commences and diligently pursues an  
5 environmental response action and who achieves and maintains a  
6 permanent solution or remedy operation status in compliance with  
7 chapter 21E and the regulations promulgated thereunder which  
8 includes an activity and use limitation shall, at the time such per-  
9 manent solution or remedy operation status is achieved, be  
10 allowed a base credit of 25 per cent of the net response and  
11 removal costs incurred on or after August 1, 1998 for any property  
12 it owns or leases for business purposes and which is located  
13 within an economically distressed area as defined in section 2 of  
14 chapter 21E. Such costs shall be not less than 15 per cent of the  
15 assessed value of the property prior to remediation and the site  
16 shall be reported to the department of environmental protection. A  
17 credit of 50 per cent of such costs shall be allowed for any such  
18 taxpayer who achieves and maintains a permanent solution or  
19 remedy operation status in compliance with chapter 21E and the  
20 Massachusetts Contingency Plan at 310 CMR 40.00, as amended,  
21 which does not include an activity and use limitation. Only a tax-  
22 payer that is an eligible person, as defined by section 2 of chap-  
23 ter 21E, and not subject to any enforcement action brought  
24 pursuant to chapter 21E shall be allowed a credit.

25       Any credit allowed under this subsection may be taken only  
26 after a response action outcome statement or remedy operation  
27 status submittal has been filed with the department of environ-  
28 mental protection as set forth in the Massachusetts Contingency  
29 Plan at 310 CMR 40.00, as amended.

1       SECTION 4. Section 6 of chapter 62, as appearing, is hereby  
2 further amended by inserting after subsection j(4) the following  
3 new subsections:—

4       (5) All or any portion of tax credits issued in accordance with  
5 the provisions of subsection (j) of this section may be transferred,

6 sold or assigned to taxpayers who are eligible under the provisions  
7 of paragraph (j)(1).

8 (6) A taxpayer desiring to make a transfer, sale or assignment  
9 pursuant to subsection (j)(5) shall submit to the commissioner a  
10 statement which describes the amount of Massachusetts environ-  
11 mental response action tax credit for which such transfer, sale or  
12 assignment of Massachusetts environmental response action tax  
13 credit is eligible. The taxpayer shall provide to the commissioner  
14 appropriate information so that the environmental response action  
15 tax credit can be properly allocated.

1 SECTION 5. Section 38Q of chapter 63 of the General Laws,  
2 as appearing, is hereby amended by striking out paragraph (a) and  
3 inserting the following new paragraph:—

4 (a) A domestic or foreign corporation or limited liability corpo-  
5 ration which commences and diligently pursues an environmental  
6 response action and which achieves and maintains a permanent  
7 solution or remedy operation status in compliance with chap-  
8 ter 21E and the regulations promulgated thereunder which  
9 includes an activity and use limitation shall, at the time such per-  
10 manent solution or remedy operation status is achieved, be allowed a  
11 base credit of 25 per cent of the net response and removal costs  
12 incurred on or after August 1, 1998 for any property it owns or  
13 leases for business purposes and which is located within an eco-  
14 nomically distressed area as defined in section 2 of chapter 21E;  
15 provided, however that these costs shall be no less than 15 per  
16 cent of the assessed value of the property prior to remediation pro-  
17 vided further that the site was reported to the department of envi-  
18 ronmental protection; and provided further, that a credit of 50 per  
19 cent of such costs shall be allowed for any such corporation which  
20 achieves and maintains a permanent solution or remedy operation  
21 status in compliance with chapter 21E and the Massachusetts Con-  
22 tingency Plan provided in 310 CMR 40.00, as amended, which  
23 does not include an activity and use limitation. Only a domestic or  
24 foreign corporation, or limited liability corporation that is an eli-  
25 gible person, as defined by section 2 of chapter 21E, and not sub-  
26 ject to any enforcement action brought pursuant to chapter 21E  
27 shall be allowed a credit.

28 Any credit allowed under this subsection may be taken only  
29 after a response action outcome statement or remedy operation

30 status submittal has been filed with the department of environ-  
31 mental protection as set forth in said Massachusetts Contingency  
32 Plan.

1 SECTION 6. Section 38Q of chapter 63, as appearing, is hereby  
2 further amended by inserting at the end the following new para-  
3 graph:—

4 (g) All or any portion of tax credits issued in accordance with  
5 the provisions of this section may be transferred, sold or assigned  
6 to parties who are eligible under the provisions of paragraph (a) of  
7 this section. A corporation desiring to make a transfer, sale or  
8 assignment shall provide to the commissioner appropriate infor-  
9 mation so that the environmental response action tax credit can be  
10 properly allocated.